



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Megan S. Newton
E. Stewart Crosland
Jones Day
51 Louisiana Ave. NW
Washington, DC 20001

JAN 25 2018

RE: MUR 7255
Trump Make America Great Again

Dear Ms. Newton and Mr. Crosland:

On July 3, 2017, the Federal Election Commission (the "Commission") notified your client, Trump Make America Great Again and Bradley Crate, in his official capacity as treasurer (the "Committee") of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended (the "Act"). A copy of the complaint was forwarded to your client at that time.

Upon further review of the allegations contained in the complaint, and information supplied by you on behalf of the Committee, the Commission, on January 9, 2017, voted to dismiss the allegations and close the file. The Factual and Legal Analysis, which more fully explains the Commission's decision, is enclosed for your information.

Documents related to the case will be placed on the public record within 30 days. See Disclosure of Certain Documents in Enforcement and Other Matters, 81 Fed. Reg. 50,702 (Aug. 2, 2016).

If you have any questions, please contact Wanda D. Brown, the attorney assigned to this matter, at (202) 694-1650.

Sincerely,

Lisa J. Stevenson
Acting General Counsel

BY: 
Jeff S. Jordan
Assistant General Counsel

Enclosure: Factual and Legal Analysis

FEDERAL ELECTION COMMISSION

FACTUAL AND LEGAL ANALYSIS

RESPONDENTS: Trump Make America Great Again Committee
and Bradley T. Crate as treasurer

MUR 7255

I. INTRODUCTION

This matter was generated by a Complaint alleging that Trump Make America Great Again Committee and Bradley T. Crate, in his official capacity as treasurer (the "Committee") violated the Federal Election Campaign Act of 1971, as amended (the "Act"). The Commission exercises its prosecutorial discretion to dismiss the allegations.

II. FACTUAL AND LEGAL ANALYSIS

The Complainant alleges that the Committee improperly withdrew funds from her checking account. Specifically, the Complainant states that she authorized four automatic withdrawals, \$150 a month from July 2016 to October 2016, for a total of \$600. She maintains that she discovered in September 2016 that the Committee made two \$150 withdrawals from her account in July, and the Committee continued making monthly withdrawals even after she told the Committee to stop. She alleges that the Committee made eight withdrawals, two for \$150 in July 2016, and \$150 a month through January 2017, for a total of \$1,200. The Complainant contends that as a result of the unauthorized withdrawals, she overdrew her account and accumulated \$270 in bank fees. The Complainant says that after repeated calls, the Committee finally refunded seven of the eight withdrawals in January 2017. The Complainant asks for the Commission's help in securing a refund for the remaining \$150 contribution, as well as repayment for the bank fees.

The Committee states that the Complaint fails to identify a violation of the Federal Election Campaign Act of 1971, as amended (the "Act"), and notes that although the

1 Complainant pledged to contribute \$600, the Committee refunded all but the Complainant's
2 initial \$150 contribution.

3 The Act provides that any person that believes that a violation of the Act or Commission
4 regulations has occurred may file a complaint with the Commission that describes a violation
5 over which the Commission has jurisdiction.¹ The Complaint does not appear to describe such a
6 violation and the Committee has refunded all but Complainant's first contribution, which the
7 complainant concedes she authorized.

8 Based on its experience and expertise, the Commission has established an Enforcement
9 Priority System using formal, pre-determined scoring criteria to allocate agency resources and
10 assess whether particular matters warrant further administrative enforcement proceedings. These
11 criteria include (1) the gravity of the alleged violation, taking into account both the type of
12 activity and the amount in violation; (2) the apparent impact the alleged violation may have had
13 on the electoral process; (3) the complexity of the legal issues raised in the matter; and (4) recent
14 trends in potential violations and other developments in the law. This matter is rated as low
15 priority for Commission action after application of these pre-established criteria. Given the low
16 rating and the small amounts in violation alleged in this matter, the Commission dismisses the
17 allegations consistent with the Commission's prosecutorial discretion to determine the proper
18 ordering of its priorities and use of agency resources.² We also recommend that the Commission
19 close the file and send the appropriate letters.

¹ 52 U.S.C. § 30109(a)(1); 11 C.F.R. § 111.4(a)-(d).

² *Heckler v. Chaney*, 470 U.S. 821, 831-32 (1985).